

## COURT TALKS OSCAR ABOUT LOVE LETTERS

If He Wrote 500 They Should  
All Be Published, Justice  
Truax Remarks.

DECISION IS RESERVED.

Not Ready to Say Whether In-  
junction Against Publication  
Shall Be Made Permanent.

Impresario Oscar Hammerstein was so deeply interested that he was in Justice Truax's part of the Supreme Court today to hear the forensic battle between former Judge A. J. Dittenhofer and Capt. Reed, of Bowers & Bonds, over his application to stop the World and the Evening World from publishing any more of his letters to Miss Frances Lee, the "Texas Patti," known in private life as Miss Frances A. Salter.

Mr. Hammerstein treated as a joke the story of a suit by Miss Lee for \$100,000 for breach of an alleged contract to make a grand opera prima donna of her. The publication of the first installment of letters addressed by him to her seemed to him also to be a joke.

They have ceased to be a joke now. The fun is all out of them. Any one would know that had he seen to-day the most popular amusement purveyor in New York.

Judge Dittenhofer argued for a continuance of the preliminary injunction granted by Justice Seabury last week. He contended that the publication of these letters to "Dearest Bruce" was in defiance of Mr. Hammerstein's rights without his consent. He said the Evening World could have got the letters from no one else than Miss Lee, and that the young woman had said that she had more than 500 of them and that there was an intimated threat to publish the rest of them.

"Well," interrupted Justice Truax, "if there are 500 of them they ought to be published."

This Was Another Joke.

That was another joke which everybody but the grim visaged impresario enjoyed hugely.

Judge Dittenhofer said that the tendency of the letters was in familiar vein, and like the letters of a man to his wife should never be published to hold up the name of the man to whom they only gratified a morbid curiosity.

On that point the law was very clear. Capt. Reed, replying, said:

"The facts are as stated, except that there is no proof of any threat."

"Judge Dittenhofer said an intimation of a threat to publish any of the letters," Justice Truax interrupted.

"The complaint says that the letters already published were or purported to be written by Mr. Hammerstein," resumed Capt. Reed. "Now, of course, the injunction could apply only to letters actually written by him, if to any of them."

"When you go into purporting letters," Justice Truax interrupted.

"The complaint says that the letters already published were or purported to be written by Mr. Hammerstein," resumed Capt. Reed. "Now, of course, the injunction could apply only to letters actually written by him, if to any of them."

"Besides, the publishers have declared and do declare in the papers in this motion that they have not threatened to publish more of the letters, and that they do not intend to publish any more of them."

Judge Dittenhofer said in response to this:

"I know the publishers of these papers too well to believe for a moment that they would publish any letters with an intent to injure Mr. Hammerstein, and believe that they will not publish any more of these letters. But the woman who furnished the letters and who announces that she has more—her intent and purpose is different, and we ask this injunction more for its effect on other papers possibly not moved by purposes so other than those of a woman."

"But your opponent says The World and Evening World have said they do not intend to publish any more, and I suppose that means that they will not," repeated Justice Truax.

Fears Other Papers.

"But some other paper might take them up, else I would be perfectly willing to accept that as final," said Judge Dittenhofer. "If it were permissible to publish letters in this way without the sanction of the authors, who have at least a joint ownership in them with the one addressed, then it would destroy the right of privacy of correspondence and no man would be safe in writing to any other man—much less to a woman—except in the most stiffly formal tones."

The giving out of these letters for publication was a most odious breach of private confidence, and, if permissible, might involve whole families in distress and disgrace, expose confidence which should forever remain inviolable secrets and compel the reduction of correspondence to the coldest formalities even when addressed to dearest friends.

It is conceded that if this young woman had been attacked in reputation or character she would have a right to publish the letters in her own defence and for her protection—but to hold the writer up to public ridicule and contumely merely, no.

In the famous case of Lord and Lady Perceval against Phillips, in which Phillips was enjoined from publishing the indiscreet letters of this married woman to him, this was held.

Justice Truax reserved decision.

HAS SKINNED 500,000 EELS.

SOUTH NORWALK, Conn., Dec. 22.—Isaac Lockwood, a Stratford fisherman, who claims the title of "champion eel skinner of the world," has announced his retirement with a fortune of \$100,000, having been in the business in pursuit of the elusive eel for just fifty years. He has caught about 500,000 and skinned 100,000.

WANTED IN FINLAND.

Axel Lindfors, a native of Finland, forty years old, was arrested at his home, No. 347 Fourth street, Brooklyn, today at the request of the Russian Consul. Lindfors is wanted in Finland for alleged irregularities in the management of an estate involving, it is said, \$10,000.

## HERALD SQUARE THEATRE WILL BE OPEN IN 3 WEEKS

Front Offices Destroyed But  
Interior Little Damaged  
by Last Night's Fire.

DENIES SHE FAINTED.

Bessie McCoy Declares Nothing  
Happened to Her Save  
Catching a Cold.

Inside of three weeks the Herald Square Theatre, the front of which was destroyed last night by fire, which started at 11:15 o'clock, at the end of the performance of "The Three Twins," will be ready for reopening. Not one of the 1,200 in the audience was injured, and the theatre was cleared as if a fire drill had been in progress.

"The damage," said Lee Shubert, who, with Lew Fields, the comedian, leaves the theatre, "is not a cent over \$10,000, and the only injury to the interior of the theatre proper is from water. The old offices over the entrance and the bill room, where we kept our stock of posters, were destroyed and the lobby wrecked, but even in the gallery, where the fire started, the seats are scarcely injured at all."

"As for the stage," he continued, "and the orchestra, a performance could be given this afternoon. Many of the girls didn't even take out their trunks, and nothing back there was damaged. We may not be able to begin Miss Julia Marlowe's engagement as scheduled in the Herald Square, on Jan. 11, but it will not be many days after that date before she will be playing in that theatre."

Bessie McCoy Didn't Faint.

Miss Bessie McCoy said to-day that she wanted it distinctly understood that she didn't faint, she is the "Yama" girl, and as she left the theatre in her "Yama" costume her worst injury is a bad cold.

"The idea of me fainting!" she said, "there was nothing to be frightened about, and I don't believe a single member of the company was frightened. After the cue for the stage director made a quiet little announcement in which he said there was a blaze at the front of the house and no danger threatened the back of the stage, but for us to pack our trunks as quickly as we could."

"My principal thought was for my big new blonde wig. I paid \$20 for that the other day, so I wore it until I got to the theatre. When I got to my dressing-room I found my Japanese maid packing my things, and I was just getting ready to put on some clothes when Mr. Stone, a friend of mine, came in and said, 'Here you come out of this, and I felt myself wrapped in his fur coat and bundled into a big limousine car. Of course, those Yama trousers didn't keep the wind and the snow away as I was crossing to the car, and I took cold, but I got out with luck.'"

Properties Undamaged.

Joseph M. Galtee, who owns "The Three Twins," said to-day that it seemed to him as if a magic circle had been drawn around his property, protecting it from the fire.

"As far as the stage, the costumes, the lighting effects, the properties and the company are concerned we could give a performance on the stage of the Herald Square to-night," he said. "Not even so much as a drop of water touched any of our stuff. Even the eight calcium lamps we have in the gallery, where the most damage was done, were without a scratch this morning, although the floor, the railings and the walls burned around them. I have not seen Mr. Shubert yet, but we shall be in a New York theatre within a day or two to complete our run."

Shubert's Bit of Sentiment.

Lee Shubert and his brother, Jacob J., were at the Casino attending a rehearsal of "Mr. Hamlet of Broadway." Eddie Fox's new musical play, when they heard of the fire and they rushed immediately to the Herald Square.

"I am glad, if only for a sentimental reason, that the old playhouse has not been damaged much," Jacob Shubert said, "as it was there that my brothers, Lee and Sam, who is dead, and myself, started in the business when we came from Syracuse. Our offices were in the rooms over the entrance and over the lobby. Broadway—the very rooms that suffered most from the fire."

NEW YORKERS WED AND  
ASK FOR SECRECY.

KENOSHA, Wis., Dec. 22.—Stephen J. Moore, who said he was the manager of an advertising bureau and lived in New York City, and Miss Mary E. Maguire, of New York, were married here yesterday by Judge Slosson in the County Court.

The couple asked that the marriage be kept strictly secret, but gave no reason for the request.

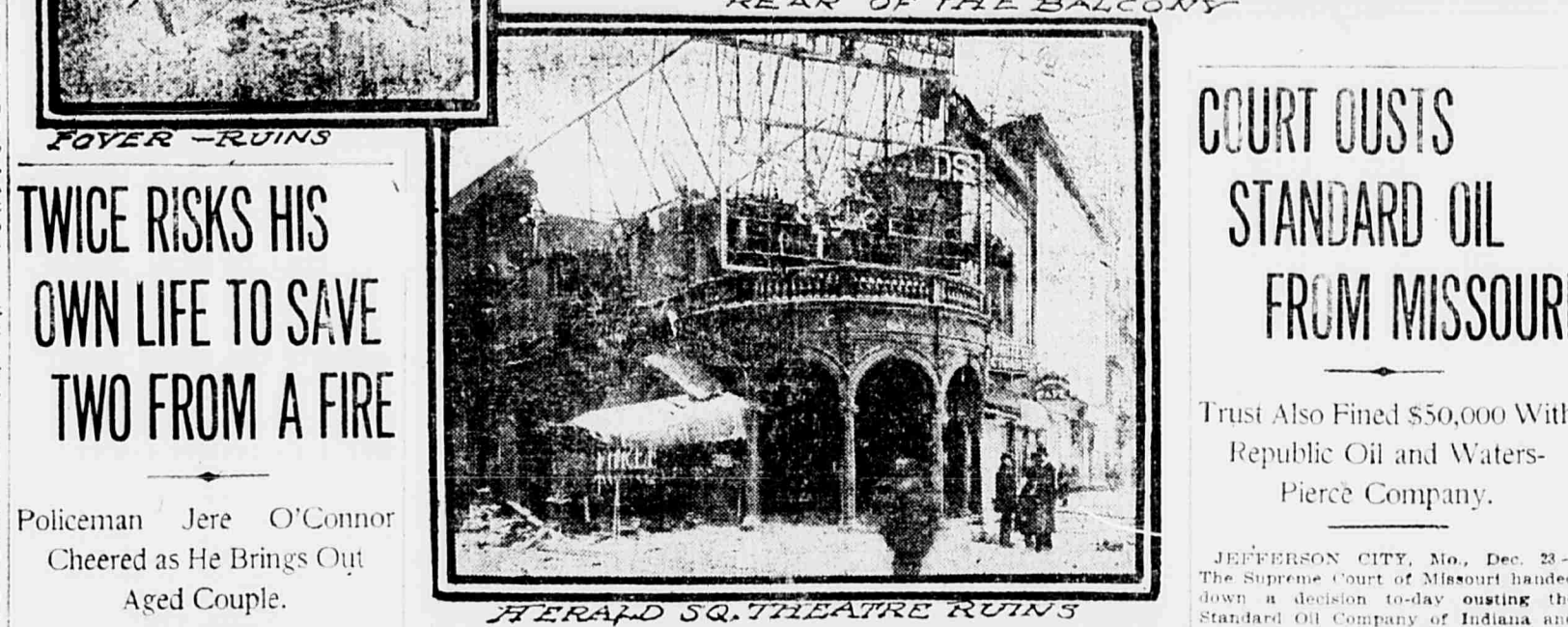
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## Herald Square Theatre as It Looks To-Day, After Fire Which Imperilled Scores of Lives

(Specially Photographed by an Evening World Photographer.)



### TWICE RISKS HIS OWN LIFE TO SAVE TWO FROM A FIRE

Policeman Jere O'Connor  
Cheered as He Brings Out  
Aged Couple.

Policeman Jere O'Connor, of the Adams street station, dared fate twice to-day when he rescued two helpless old persons from the second floor of a burning rooming-house at No. 80 Lawrence street. The heroic officer made two trips over the burning floors and smoke-filled stairways. When his task was complete only half of his clothing was intact and his hands and face were blistered. He was cheered by two hundred persons who saw the rescue.

O'Connor saw a puff of smoke leaping from a window. He sent in an alarm and got back to the rooming house, which is conducted by Mrs. Mary Hogan, to find a dozen women screaming that old Mr. and Mrs. Joyce were in their beds. All of Mrs. Hogan's roomers had gone to their daily work.

Binding a handkerchief over his eyes, O'Connor rushed into the smoke. Flames were crawling along the windows. Just when the sound of the fire bells was heard, O'Connor staggered down the steps with the form of Mrs. Catherine Joyce.

O'Connor rushed back into the smoke and fire and returned with Paul Joyce. Then he washed the soot from his face and hurried to the station-house to get new clothes. The fire did about \$1,000 damage. The Joyces are sixty-two years old. Only they and Mrs. Hogan were in the house when the blaze started in the basement.

### 'ACCOUNTS RIGHT,' BANK OFFICIAL, A SUICIDE, WROTE

Mystery Veils Tragic Act of  
Frank W. Cutting, Rich  
Massachusetts Man.

(Special to The Evening World.)  
WORCESTER, Mass., Dec. 22.—Frank W. Cutting, for the past forty years connected with the Worcester Mechanics' Savings Bank, and for seven years its treasurer, was found dead by suicide at his home to-day. The bank officials express the belief that his accounts are correct, as two examinations have been held recently.

Mr. Cutting's body was found in a room where a gas jet was wide open and the doors and windows closed. The suicide, it is believed, was temporarily insane as the officials of the Mechanics' Bank and Mr. Cutting's friends state that nothing in his business or family relations would explain the act.

A note left by Mr. Cutting bade his wife good-bye and informed Gen. A. B. H. Sprague, President of the savings bank, that the accounts were all right. This fact is believed by the bank officials, as examinations made recently, by State examiners, and another by the bank's auditor, revealed no mistake.

Mr. Cutting was fifty-seven years of age. He leaves a widow and four daughters. Cuttings lived in good style in a handsome house on Elnor road.

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